

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MEDIA MATTERS FOR AMERICA, *et al.*,

Plaintiffs,

v.

WARREN KENNETH PAXTON JR., in his
official capacity as Attorney General of the
State of Texas,

Defendant.

CIV. NO. __ - ____

**DECLARATION OF ERIC HANANOKI IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER**

I, Eric Hananoki, declare as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts and information set forth in this declaration.

2. I am a Senior Investigative Reporter at Media Matters for America ("Media Matters"). I have worked at Media Matters since November 2007 and have had the role of Senior Investigative Reporter since August 2022. Prior to that, I held numerous other positions at Media Matters including Researcher, Senior Researcher, Research Fellow, and Investigative Reporter. I live in Montgomery County, Maryland and perform most of my work from my home.

3. Media Matters is a web-based, nonprofit, 501(c)(3) research and information center dedicated to comprehensively monitoring, analyzing, and correcting conservative misinformation in U.S. media. It is headquartered and has its sole office in Washington, D.C. I occasionally visit our office as part of my job responsibilities.

4. For at least the past decade, my work at Media Matters has focused on documenting extremism—including white nationalism, antisemitism, and Islamophobia—in the public square, including from public figures and officials while they appear in media outlets or when they worked as media figures.

5. My work has been broadly cited by a wide array of other media outlets, including the Associated Press, CNN, Fox News, Los Angeles Times, MSNBC, the New York Post, the New York Times, Politico, USA Today, the Wall Street Journal, and the Washington Post.

6. My research has also been cited to or relied upon by both government agencies, and Democratic and Republican public officials and entities. For example, under former President Trump, the United States Department of Justice cited my research regarding a far-right commentator who promoted and sold a bogus COVID-19 cure.¹ My work researching Roger Stone was cited in both Robert Mueller’s report and in a bipartisan U.S. Senate Select Committee on Intelligence report on Russian interference in the 2016 presidential election.²

7. My investigation into political extremism has exposed prominent individuals promoting racist, hateful, or conspiratorial content. For example, the National Republican Congressional Committee withdrew support for a congressional candidate in New Jersey after my

¹ *United States v. My Dr. Suggests LLC*, No. 2:20-CV-00279-DBB, 2021 WL 662442 (D. Utah Feb. 19, 2021), Plaintiffs’ Ex Parte Mot. and Mem. of Law for a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue, Dkt. 2, at 13; *id.*, Decl. of Virginia Keys, Dkt. 2-1, ¶¶ 7, 28–29.

² Both reports cited a Media Matters article that included a video that I had found and produced. *See Report on the Investigation into Russian Interference in the 2016 Presidential Election, Volume I of II*, Special Counsel Robert S. Mueller, III, March 2019, at 57 n.233, available at https://www.justice.gov/storage/report_volume1.pdf; Select Committee on Intelligence, *Russian Active Measures Campaigns and Interference in the 2016 U.S. Election, Volume 5: Counterintelligence Threats and Vulnerabilities*, at 246 n.1638, available at https://www.intelligence.senate.gov/sites/default/files/documents/report_volume5.pdf.

discovery that the candidate had promoted white supremacist views online.³ Likewise, Republican leaders in California distanced themselves from a candidate for Congress after I reported on his endorsement of 9/11 conspiracy theories.⁴

8. I have also previously reported on extremism within the Texas Attorney General's office. In 2020, I uncovered tweets filled with racist rhetoric, violent threats and conspiracy theories that had been posted by an Assistant Attorney General in the Texas Attorney General's office.⁵ Attorney General Paxton's employee had, among other things, threatened violence against protestors, called Islam a "virus," referred to transgender people as "abominations," and endorsed the QAnon conspiracy theory that "President Donald Trump is secretly working to take down . . . a supposed cabal of satanic high-ranking officials who they claim are operating pedophile rings." Later on the same day that my research was published, Attorney General Paxton's office fired the attorney, explaining the person could "discredit" to the agency.⁶

³ "House Republicans withdraw support of N.J. candidate after report says he shared racist screed," NJ.com (July 10, 2018), https://www.nj.com/politics/2018/07/house_republicans_withdraw_support_of_nj_candidate.html (noting that NRCC chair "Stivers reacted to a report by the liberal watchdog group Media Matters about [the candidate] linking to the article that ran on a white supremacist website.").

⁴ "California GOP committees distance themselves from 'Bush staged 9/11' congressional candidate," Media Matters for America (Oct. 2, 2018), <https://www.mediamatters.org/george-w-bush/california-gop-committees-distance-themselves-bush-staged-911-congressional-candidate>.

⁵ "A Texas assistant attorney general is a QAnon conspiracy theorist who tweets out violent threats and bigoted remarks," Media Matters for America (Sept. 3, 2020), <https://www.mediamatters.org/twitter/texas-assistant-attorney-general-nick-moutos-qanon-conspiracy-theorist-who-tweets-out>.

⁶ Trinady Joslin, "Assistant Texas attorney general loses job after report surfaces racist tweets," The Texas Tribune (Sept. 3, 2020), <https://www.texastribune.org/2020/09/03/nick-moutos-texas-attorney-general>; Taylor Goldenstein, "Records: Texas assistant AG who lost job over tweets was fired, had been warned about social media," Houston Chronicle (Sept. 11, 2020), <https://www.houstonchronicle.com/politics/texas/article/texas-assistant-ag-social-media-posts-fired-warned-15558487.php>.

9. As part of my beat, I both actively engage with and cover the platform now known as X, and formerly known as Twitter. In 2022, X was purchased by Elon Musk, who has repeatedly called the platform a “digital town square” or “de facto town square.” I have reported on politically extreme rhetoric on Twitter (and now X) for the better part of a decade.

10. Since Musk completed his acquisition of X, I have observed that the platform has experienced a sustained and significant surge in extremist content. This trend has been widely reported on and observed by the media for over a year. For example, over a year ago, the Washington Post reported that “ads from dozens of major brands” such as Amazon and Uber were appearing on the pages of white nationalists on X.⁷ Even advertisements for the United States Department of Health and Human Services appeared on white nationalist pages at that time.

11. As part of my long-running coverage of political extremism online, I have written numerous articles about X Corp., Musk, and the social media platform X.

12. These articles frequently focused on the appearance of corporate advertisements alongside hateful content posted by white nationalist, antisemitic, and extremist users on X. My work on this subject matter includes the following articles:

- *Under Elon Musk, Twitter is running corporate ads alongside tweets from Holocaust deniers*, Media Matters for America (Feb. 10, 2023).⁸
- *Dish, Samsung, Wall Street Journal, and others are advertising on the Twitter account of a leading white nationalist group*, Media Matters for America (June 22, 2023).⁹
- *Update: Twitter placed ads for USA Today, National Women’s Soccer League, and other major brands on a terrorism-linked neo-Nazi account*, Media Matters for

⁷ Faiz Siddiqui, “Amazon, Uber, Snap ads appear on Twitter pages of white nationalists restored by Musk,” The Washington Post (Dec. 6, 2022), <https://www.washingtonpost.com/technology/2022/12/06/twitter-ads-elon-musk/>.

⁸ Available at <https://www.mediamatters.org/twitter/under-elon-musk-twitter-running-corporate-ads-alongside-tweets-holocaust-deniers>.

⁹ Available at <https://www.mediamatters.org/twitter/dish-samsung-wall-street-journal-and-others-are-advertising-twitter-account-leading-white>.

America (July 27, 2023).¹⁰

- *Update: Under Linda Yaccarino, X is placing ads for major brands on a verified pro-Hitler account*, Media Matters for America (Aug. 16, 2023).¹¹
- *X is placing ads for brands like the NFL and MLB next to unhinged conspiracy theories about Jewish people and 9/11*, Media Matters for America (Sept. 11, 2023).¹²
- *X is placing major ads on a heavily followed antisemitic account that endorses killing politicians and LGBTQ advocates*, Media Matters for America (Sept. 12, 2023).¹³
- *X is placing ads for the NFL on prominent white nationalist accounts*, Media Matters for America (Sept. 27, 2023).¹⁴
- *X is placing ads for MLB, the NFL, and the Pittsburgh Steelers on antisemitic and Holocaust denial accounts*, Media Matters for America (Oct. 12, 2023).¹⁵
- *Pro-Hitler and Holocaust denier account: X has paid me \$3,000 in ad revenue sharing*, Media Matters for America (Nov. 13, 2023).¹⁶
- *As Musk endorses antisemitic conspiracy theory, X has been placing ads for Apple, Bravo, IBM, Oracle, and Xfinity next to pro-Nazi content*, Media Matters for America (Nov. 16, 2023).¹⁷
- *X is placing ads for Amazon, NBA Mexico, NBCUniversal, and others next to content with white nationalist hashtags*, Media Matters for America (Nov. 17, 2023).¹⁸

¹⁰ Available at <https://www.mediamatters.org/twitter/twitter-placed-ads-usa-today-national-womens-soccer-league-and-other-major-brands-terrorism>.

¹¹ Available at <https://www.mediamatters.org/twitter/update-under-linda-yaccarino-x-placing-ads-major-brands-verified-pro-hitler-account>.

¹² Available at <https://www.mediamatters.org/twitter/x-placing-ads-brands-nfl-and-mlb-next-unhinged-conspiracy-theories-about-jewish-people-and>.

¹³ Available at <https://www.mediamatters.org/twitter/x-placing-major-ads-heavily-followed-antisemitic-account-endorses-killing-politicians-and>.

¹⁴ Available at <https://www.mediamatters.org/white-nationalism/x-placing-ads-nfl-prominent-white-nationalist-accounts>.

¹⁵ Available at <https://www.mediamatters.org/twitter/x-placing-ads-mlb-nfl-and-pittsburgh-steelers-antisemitic-and-holocaust-denial-accounts>.

¹⁶ Available at <https://www.mediamatters.org/twitter/pro-hitler-and-holocaust-denier-account-x-has-paid-me-3000-ad-revenue-sharing>.

¹⁷ Available at <https://www.mediamatters.org/twitter/musk-endorses-antisemitic-conspiracy-theory-x-has-been-placing-ads-apple-bravo-ibm-oracle>.

¹⁸ Available at <https://www.mediamatters.org/twitter/x-placing-ads-amazon-nba-mexico-nbcuniversal-and-others-next-content-white-nationalist>.

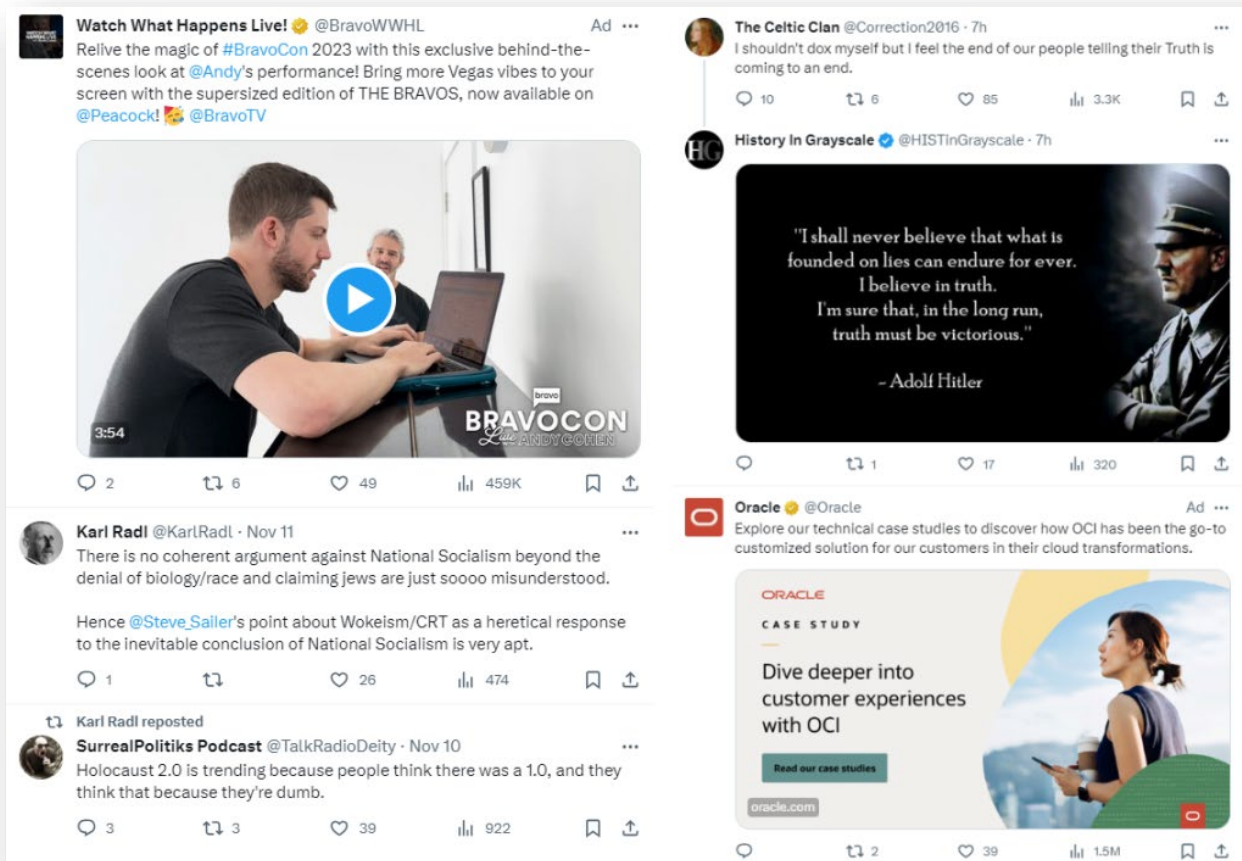
13. X's persistent placement of advertisements next to extremist content has been widely reported in the media, apart from my own significant work on the topic.

14. My November 16 article also reported on Musk's endorsement of a widespread antisemitic conspiracy theory that Jewish people are seeking to promote "hatred against whites" and are seeking to "flood[] the[] country" with "hordes of minorities."¹⁹ Musk's endorsement of this antisemitic theory drew widespread condemnation, including by President Joe Biden, and was extensively covered in the media.²⁰

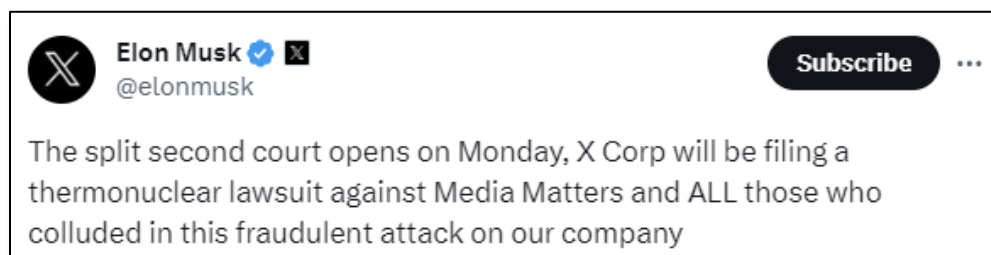
15. My November 16 article contains screenshots of X feeds, which include at least nine organic posts from X users and six advertisements from major corporate entities. For example, below are images of an advertisement for Oracle appearing alongside a quote from Nazi dictator Adolf Hitler, as well as an advertisement for the Bravo television network next to a post praising Hitler's Nazi party, that I included in my article:

¹⁹ *Supra* n.15; *see also* Blake Montgomery, "Elon Musk agrees with accusing Jewish people of 'hatred against whites,'" The Guardian (Nov. 16, 2023), <https://www.theguardian.com/technology/2023/nov/16/elon-musk-antisemitic-tweet-adl>.

²⁰ Blake Montgomery, "White House condemns Elon Musk's 'abhorrent' antisemitic tweets," The Guardian (Nov. 17, 2023), <https://www.theguardian.com/technology/2023/nov/17/white-house-biden-elon-musk-antisemitic-tweet-hate>; Aimee Picchi, "Elon Musk faces growing backlash over his endorsement of antisemitic X post," CBS News (Nov. 17, 2023), <https://www.cbsnews.com/news/elon-musk-actual-truth-antisemitic-post-backlash-advertisers/>; Allison Morrow, "With antisemitic tweet, Elon Musk reveals his 'actual truth,'" CNN (Nov. 17, 2023), <https://www.cnn.com/2023/11/17/business/elon-musk-reveals-his-actual-truth/index.html>; Mike Wendling, "White House criticizes Elon Musk over 'hideous' antisemitic lie," BBC (Nov. 17, 2023), <https://www.bbc.com/news/world-us-canada-67446800>.



16. On November 18, 2023, in the wake of this coverage and condemnation, Musk threatened to “fil[e] a thermonuclear lawsuit” against Media Matters. *See* @elonmusk, X.com (Nov. 18, 2023, 2:01 AM ET), <https://perma.cc/X4HN-PLJ4>.



17. The threat was apparently in response to my November 16 article.

18. On November 20, 2023, X filed suit against me and my employer, citing two articles authored by me and published on Media Matters on November 16, 2023 and November 17, 2023.

19. On the same day, Texas Attorney General Paxton issued a press release announcing he would investigate Media Matters “for potential fraudulent activity.”²¹ In that press release, Attorney General Paxton characterized Media Matters as a “radical anti-free speech organization” and referenced “allegations” that Media Matters “fraudulently manipulated data on X.com.” I perceived these references to allegations as direct references to my investigatory work in my articles, specifically that of the November 16 article. The press release also referred to possible deception and “schemes of radical left-wing organizations who would like nothing more than to limit freedom by reducing participation in the public square[.]” These accusations are categorically false—as a journalist, freedom of speech and freedom of the press—including the ability to report and criticize on the press itself—are at the core of my work.

20. On November 21, 2023, Attorney General Paxton issued a civil investigative demand that requested documents about the article that I authored on November 16. The demand expressly references me in several places and demands that Media Matters turn over, among other things “all documents related to internal and external communications” relating to my November 16 article. This would include various materials I used and prepared in writing my November 16 article.

21. I have never visited Texas for any aspect of my work at Media Matters over the

²¹ “Attorney General Ken Paxton Opens Investigation into Media Matters for Potential Fraudulent Activity,” Press Release, Texas Attorney General (Nov. 20, 2023), available at <https://texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-opens-investigation-media-matters-potential-fraudulent-activity>.

past sixteen years, including for any work related to the November 16 article. No element of any of my work over the past year covering the X platform or Musk has involved speaking with any Texas residents or Texas-based businesses. I have never traveled outside of the Washington, D.C. area as part of my work for Media Matters. I generally conduct my work from my home in Maryland. I conducted all activities related to preparing, researching, writing, and editing the November 16 article from my home in Maryland.

22. In preparing, researching, writing, and publishing the November 16 article, I was not aware of any connection—and continue to believe it has no connection—to Texas, Texas residents, Texas users of X, or advertisers who may transact business in Texas.

23. I have also reviewed all the X accounts that are either referenced, or whose posts on X are reproduced as screenshots, in the November 16 article.

24. To the best of my awareness, none of these accounts appear to be of users based in Texas and I had, and continue to have, no reason to believe any of these users are based in Texas.²²

25. I believe that Attorney General Paxton's request for my documents and communications is in response to Musk's highly publicized threat against Media Matters. I further believe Attorney General Paxton has singled out Media Matters and me, and that he is using us to increase his public stature and standing among conservative and partisan audiences, including among Musk's large online fanbase.

26. I additionally believe that Attorney General Paxton's actions against Media Matters are retribution because my colleagues and I have critically reported on him in the past. For example, Attorney General Paxton stated during a December 1, 2023 interview about his Media

²² X does not display locations by default and account holders may list a location of their choice. See "Post location FAQs," X.com, available at <https://help.twitter.com/en/safety-and-security/post-location-settings>.

Matters investigation that he is “pretty sure they have put hit pieces out on me.”²³

27. Attorney General Paxton’s demand for documents, and other public threats and statements about Media Matters, have had an extremely negative effect on my journalistic work and have disrupted my ordinary reporting and writing.

28. Since Attorney General Paxton announced his investigation, both I and my employer have experienced harassment and received hateful and threatening messages.

29. In response to this harassment, I have taken measures to increase my home security and my personal security.

30. The investigation and demand have also forced me to curtail my work investigating and covering X out of fear that I will face further harassment, threats, and legal retaliation. For example, I have prepared extensive research and draft articles about antisemitism on social media that have not, and now likely will not, be published.

31. In fact, since Attorney General Paxton announced his investigation and issued his document demand, I have not published any articles about Musk and how his ownership of X has enabled political extremism. My editors have specifically instructed me that, due to Attorney General Paxton’s investigation, Media Matters cannot publish work that I have already prepared regarding Musk and political extremism on X. Multiple stories that I have prepared on this topic have been held back by my editors due to concerns with Attorney General Paxton’s investigation, as well as Musk’s lawsuit.

32. Instead of my ordinary investigative work, since Attorney General Paxton threatened Media Matters, I have spent most of my time attending to legal matters, including

²³ “Ken Paxton vs. Pfizer EXCLUSIVE,” The Tudor Dixon Podcast (published Dec. 1, 2023), available at <https://omny.fm/shows/the-tudor-dixon-podcast/the-tudor-dixon-podcast-ken-paxton-vs-pfizer-exclu>. *See id.* at 22:23.

preparing for and responding to Attorney General Paxton's investigative demand and conferring with Media Matters officers and counsel. I would otherwise be spending my time on my reporting beat.

33. In my sixteen-year career as a researcher and reporter on political extremism, I have never been investigated by a law enforcement official or other state official for my work.

34. I am seriously concerned and fearful about having to protect my constitutional rights against a powerful, and public-perception-driven, state attorney general in a foreign and unfamiliar jurisdiction.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 12/11/2023 _____



Eric Hananoki